

# Notice of Allowability

Application No.

10/540,054

Examiner

Fred A. Casca

Applicant(s)

NITSCHKE ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Patent Application 10/540,054 filed on 01/25/2006.
2. ☒ The allowed claim(s) is/are 19-36 (renumbered as 1-18 respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 11/03/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Manu Tejwani on September 28, 2007.

[Begin Audit]

IN THE CLAIMS:

Claims 19-36 have been amended as follows:

19. (Currently amended) A method for data transmission in wireless local area networks between a first and a second transmitting and receiving communicant comprising:

implementing a first standardized data transmission rule requiring transmission and/or reception of information elements with variant element formats on electromagnetic signal paths between the transmitting and receiving communicants,

wherein each information elements comprises an element identification part, a length statement part and an information part, the element identification

part having a permissible value range in which a first standardized value of the element identification part identifies the information element as a first information element whose information part contains parameters which relate to the data transmission of the transmitting communicant in accordance with a first data transmission rule;

storing by the receiving communicant parameters for the transmitting communicant in order to set the data transmission for return to the transmitting communicant;

each of the communicants as the receiver, determining the length of the information part from the length statement part on identification of a value of the element identification part outside the permissible value range, and jumping over the information part corresponding to the determined length; and

at least in the case of one of the communicants, implementing in addition to the first data transmission rule a second data transmission rule expanding the permissible value range so that a second standardized value of the element identification part identifies the information element as a second information element whose information part contains parameters which relate to the data transmission of the transmitting communicant in accordance with the second data transmission rule.

20. (Currently amended) The method as claimed in claim 1, characterized in that the first information element contains only parameters which relate to the data transmission in accordance with the first data transmission rule, and the second information element contains only parameters which relate to the data transmission in accordance with the second data transmission rule.

21. (Currently amended) The method of claim 1 further comprising the step of jumping over the second information element when a communicant in which only the first data transmission rule is implemented receives the second information element.

22. (Currently amended) The method of claim 1 further comprising the step of storing the parameters which relate to the first and second information elements when a communicant in which both data transmission rules are implemented receives the second information element.

23. (Currently amended) The method of claim 1 wherein the values in the information part of second information elements represent a set of data transmission rates which are supported by the transmitting communicant in such a way that each value corresponds to one supported data transmission rate.

24. (Currently amended) The method of claim 5 wherein the difference between a data transmission rate which corresponds to one value and the data transmission rate which corresponds to the next value is greater than or equal to 500 Kbit/s.

25. (Currently amended) The method of claim 6 wherein the difference is 1 Mbit/s.

26. (Currently amended) The method of claim 5 wherein at most eight values correspond to the data transmission rates of the first data transmission rule, and all other values correspond to the data transmission rates of the second data transmission rule.

27. (Currently amended) The method of claim 5 wherein the second information element additionally contains the values of the data transmission rates which are equal to values for data transmission rates of the first data transmission rule.

28. (Currently amended) The method of claim 9 further comprising the step of storing only the parameters which relate to the second information element when a communicant in which both data transmission rules are implemented receives the second information element.

29. (Currently amended) The method of claim 5, further comprising the step of:

in addition to the second information element, forming a third or further information element or elements which represents or represent third or further data transmission rules, respectively.

30. (Currently amended) The method of claim 5 wherein the data rates in the information element are represented by value pairs, wherein one value

Art Unit: 2617

codes the data transmission rule itself and the other value codes the data rate, and wherein the coding of the data rate depends on the data transmission rule.

31. (Currently amended) A communication device for data transmission in wireless networks, the communication device configured to connect as a first communicant to a second communicant via electromagnetic signal paths, comprising:

at least one transmitting unit,

wherein a first data transmission rule defines a first information element comprising an element identification part, a length statement part and an information part,

wherein the first data transmission rule defines a permissible value range for the element identification part; and an implementation in addition to the first data transmission rule of a second data transmission rule which expands the permissible value range of the element identification part, so that a second standardized value of the element identification part identifies the information element as a second information element whose information part contains parameters which relate to the data transmission of the transmitting communicant in accordance with the second data transmission rule,

wherein the at least one transmitting unit is configured to send second information elements which are defined by a second standardized value of the element identification part, and whose information part contains parameters which

Art Unit: 2617

relate to the data transmission in accordance with the second data transmission rule.

32. (Currently amended) The communication device of claim 13, further comprising a receiving unit configured for reception of a first and of a second information element.

33. (Currently amended) The communication device of claim 13 which is configured to switch between the first and second data transmission rules in response to the reception of information elements during transmission.

34. (Currently amended) The communication device of claim 13, further comprising a memory which is arranged to store parameters which relate to received second information elements.

35. (Currently amended) The communication device of claim 13, further comprising a memory which is arranged to store parameters which relate to received first and second information elements.

36. (Currently amended) The communication device of claim 13, further comprising an implementation of at least a third data transmission rule which is similar to the implementation of the second data transmission rule.

[End Audit]

Claims 1-18 have been cancelled.

**Allowable Subject Matter**

2. Claims 19-36 (renumbered as 1-18 respectively) are allowed.

The following is the examiner's statement of reasons for allowance:

Prior art does not teaches or suggests directly or indirectly the limitation "an implementation in addition to the first data transmission rule of a second data transmission rule which expands the permissible value range of the element identification part, so that a second standardized value of the element identification part identifies the information element as a second information element whose information part contains parameters which relate to the data transmission of the transmitting communicant in accordance with the second data transmission rule" in combination with other limitation of the independent claims 19 and 31.

Any comments necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

***Conclusion***

3. Any response to this Office Action should be mailed to:

U.S Patent and Trademark Office  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or Faxed to: 571-273-8300.

Art Unit: 2617

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER